Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/PC.III/10
12 September 1994
ENGLISH
ORIGINAL: SPANISH

MEMORANDUM FROM THE GENERAL SECRETARIAT OF THE AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN PREPARED FOR THE PREPARATORY COMMITTEE FOR THE 1995 CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

A. The Treaty of Tlatelolco

1. On 14 February 1967, as a result of long negotiations and a common political will, Latin America and the Caribbean, in accordance with its tradition as a source of innovation in international law, signed the Treaty of Tlatelolco for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

2. In full accordance with the purposes and principles of the United Nations Charter and the relevant resolutions of the General Assembly, the Treaty of Tlatelolco expresses in its preamble the desire of the Latin American States to end the armaments race, especially in the field of nuclear weapons, and strengthen a world at peace, based on the sovereign equality of States, mutual respect and good-neighbourliness. The international instruments worked out at the world level by the United Nations and represented at the regional level by the Treaty of Tlatelolco may be regarded as an expression of the legal and moral conscience of the international community and a statement of an entirely valid general principle.

3. Before the signing of the Treaty of Tlatelolco there were international instruments for the denuclearization of certain geographic or special areas, such as the Antarctic Treaty of 1959 or the Outer Space Treaty of 1967. There were also some initiatives in the same direction before Tlatelolco. But never until the entry into force of the Treaty of Tlatelolco had a large inhabited region of the earth, made up of the territory of a number of independent States, been the object of complete military denuclearization.

4. The preamble to the Treaty of Tlatelolco states clearly that "militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage" and that Latin America must not only "banish from its homelands the scourge of a nuclear war but must also strive to promote the well-being and advancement of its peoples," cooperating "in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all."

5. On the basis of these considerations, the signatory States, by sovereign decision, agreed to establish a system for the prohibition of nuclear weapons in Latin America which would also commit the nuclear Powers to respect the militarily denuclearized status of Latin America and the Caribbean.

6. Article 1 of the Treaty of Tlatelolco confirms the commitment of the Contracting Parties "to use exclusively for peaceful purposes the nuclear materials and facilities which are under their jurisdiction" and prohibits "the testing, use, manufacture, production or acquisition" as well as "the receipt, storage, installation, deployment and any form of possession of any nuclear weapons" or in any way participating in such activities. The Treaty thus provides for the military denuclearization of Latin America and the Caribbean and establishes its zone of application; it establishes the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), consisting of a General Conference, a Council and a Secretariat; establishes a control system, regulates OPANAL's relations with other international organizations, determines the action to be taken in the event of violation of the Treaty, establishes a method for the settlement of disputes, prohibits reservations to the Treaty and establishes means for amending the Treaty and the conditions in which it may be denounced.

7. Recognizing that the full appreciation of its principles and obligations requires the participation of extracontinental States and the nuclear Powers, the Treaty of Tlatelolco provides for two additional protocols.

8. Additional Protocol I to the Treaty of Tlatelolco imposes on the extracontinental States which have, de jure or de facto, territory under their control in the zone of application of the Treaty obligation to respect the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty. After long negotiations and a delay of more than 14 years, the Government of France on 24 August 1992 ratified this Protocol, thus enabling the peoples of the non-independent territories of Latin America and the Caribbean for which it is responsible to enjoy the benefit of belonging to the first nuclear-weapon-free zone in a densely populated region (see table, annex B).

9. Additional Protocol II requires the five internationally recognized nuclear Powers to respect the denuclearized zone established by the Treaty in all its express aims and provisions; not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty; and not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty. Additional Protocol II may not be the subject of reservations (see table, annex B).

10. On 5 December 1967, the General Assembly in resolution 2286 (XXII) welcomed with satisfaction "the Treaty for the Prohibition of Nuclear Weapons in Latin America, which constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security" and which at the same time establishes the right of Latin American and Caribbean countries "to use nuclear energy for ... peaceful purposes in order to accelerate the economic and social development of their peoples". By the end of 1967, the year in which the Treaty was opened for signature, it had already been signed by 21 States, including the two States in the region then most advanced in the nuclear field: Argentina and Brazil. At present, 28 States participate fully in this regional instrument. The current status of signatures, ratifications and exemptions from article 28 is set out in the table in annex A.

B. Amendments to the Treaty of Tlatelolco

11. Beginning in 1990, in order to achieve the goal of making the Treaty of Tlatelolco universal in its zone of application, a series of amendments were approved making it possible for third countries to become full members of the Tlatelolco system. For this purpose, it was necessary to make use of articles 6 and 29, which establish the procedure for amending the Treaty. The amendments are as follows: (the text of the amendments is contained in annex C).

I. On 3 July 1990, it was decided in resolution 267 (E-V) of the Fifth Special General Conference to add to the official title of the Treaty for the Prohibition of Nuclear Weapons in Latin America the words "and the Caribbean" and accordingly to amend the official title established in article 7 of the Treaty, thus incorporating the English-speaking States of the Caribbean into the zone of application of the Treaty of Tlatelolco.

II. On 10 May 1991, by resolution 268 (XII) of the Twelfth General Conference, it was decided to replace paragraph 2 of article 25 of the Treaty with wording similar to that of article 8 of the amended Charter of the Organization of American States, so that all the independent States of the region would be able to join the regime of military denuclearization.

III. Although their territories were always included in the zone of application established by article 4, on the occasion of the 25th anniversary of the opening for signature of the Treaty of Tlatelolco, Belize and Saint Vincent and the Grenadines on 14 February 1992 signed the Treaty in accordance with these amendments; on 25 August 1993 Dominica deposited the waiver to article 28, joining the Tlatelolco system, and on 18 February 1994 Saint Kitts and Nevis signed the Treaty.

IV. On 26 August 1992, by resolution 290 (E-VII) of the Seventh Special General Conference, amendments to articles 14, 15, 16, 19 and 20 of the Treaty, relating to the verification system established by the Treaty, were approved.

- The first paragraph of article 14 provides for the submission to the Agency of semi-annual reports on the absence of activity prohibited under the Treaty. This declaration is of a political nature. The amendments to paragraphs 2 and 3 are of a different nature, as they deal with the technical aspect which may create problems for the State submitting the special reports requested in those paragraphs. The reference to the application of safeguards was deleted and it was provided instead that the content of these special reports "shall be relevant to the work of the Agency". Paragraph 3 was replaced in its entirety by another providing that the information submitted could not be divulged or transmitted in whole or in part by the recipients of the reports to third parties, except with the express consent of the submitting Parties, thus safeguarding the "strategic secrets" of the Parties. It was understood that for the Agency the phrase "third parties" meant countries not parties to the Treaty.

- Article 15 was retained practically unchanged except for the phrase "any extraordinary event or circumstance", in view of the fact that the information to be requested by the General Secretary with the authorization of the Council referred to a special event or circumstance requiring the submission of a special report. Otherwise, the wording remains unchanged.

- Article 16 was amended in view of the fact that the only organization capable of carrying out a special inspection at the request of a Party is the International Atomic Energy Agency (IAEA). This made it possible to solve the problem of financing and the need to establish an inspectorate, which would have been expensive for OPANAL. However, OPANAL's power to request the International Atomic Energy Agency to carry out a special inspection was retained when, in the opinion of OPANAL's Council, such an inspection was necessary. In other words, the Council and the General Secretary will continue to be responsible for supervising the application of the Treaty's control system. Of course, any member country of the IAEA may submit a complaint directly to that Agency, but it is equally clear that the force of the complaint will be greater if it is endorsed by the Council and the General Secretary of OPANAL. In view of the fact that the international safeguards agreements signed by the States members of OPANAL include the commitment to allow free access to the inspectors to carry out a special inspection, paragraph 4 of article 16 was not considered necessary, and it was therefore deleted. Paragraph 3 of the same article gives the Director General of the IAEA discretionary authority to consult with the Board of Governors when an inspection is carried out. This paragraph is intended rather to allow the Director General to report to the Board of Governors if he considers that necessary when an inspection has been carried out. Prior consultation with the Board of Governors is something the Director General himself can decide on according to his best judgment.

- The deletion of paragraphs 6, 7 and 8 of former article 16 was because article 21 of the Treaty of Tlatelolco provides that "None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties".

- Lastly, the first paragraph of former article 19 remains as new article 19 and the second and third paragraphs of former article 19 become article 20. The remaining articles of the Treaty are renumbered accordingly.

12. These amendments enabled Argentina and Chile to join the Tlatelolco system on 18 January 1994 and Brazil to do so on 30 May 1994.

13. Most of the Member States have signed the amendments and are completing the process of ratification. Mexico ratified all the amendments to the Treaty on 10 September 1993. At present the Treaty of Tlatelolco is in full effect for Argentina, Brazil, Chile, Mexico and Suriname.

14. Although the latest amendments approved modify the verification system, none of the changes alter either the basic principles or the essence of the Treaty of Tlatelolco.

15. Under these circumstances, and in view of the lack of precise definition of the conditions for the entry into force of the amendments, the Government of Mexico, as depositary, considers the amendments in force for those States which have ratified them and declared the waiver referred to in article 28, paragraph 2.

C. Safeguards

16. On 1 July 1968, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was opened for signature, and on 5 March 1970 it entered into force. The application of some provisions established already in the Treaty of Tlatelolco differs from the application of similar provisions of the NPT, for example, article 13 of the former and article III of the latter with respect to the safeguards agreements to be negotiated with the International Atomic Energy Agency (IAEA). For this reason, a number of relevant observations should be made.

17. The function of IAEA within the control system provided for under article 13 of the Treaty of Tlatelolco is set forth in articles 13, 14, 16 and 18 of that Treaty. Article 13 of the Treaty provides that each Contracting Party shall negotiate multilateral or bilateral agreements with IAEA for the application of the Agency's safeguards to its nuclear activities. States which have ratified Additional Protocol I of the Treaty are also bound, under article 1 of the Protocol, to negotiate the agreements referred to in article 13 in order to ensure that they may be applied in territories for which, de jure or de facto, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

18. In 1961, IAEA set out to establish a system of safeguards to be applied to projects carried out with the assistance of the Agency and to bilateral or multilateral agreements concerning the supply or unilateral delivery of nuclear facilities, equipment or technology reported to IAEA under the safeguards agreement in question. These agreements were elaborated in accordance with the guidelines set forth in document INFCIRC/66 and its subsequent revisions. This model continues to be used as the basis for negotiating safeguards agreements with States which are not parties to the Treaty of Tlatelolco or the NPT and which have not requested comprehensive safeguards agreements.

19. The first safeguards agreement based on the Treaty of Tlatelolco was concluded with Mexico in 1968. Its purpose was to verify that Mexico was abiding by its commitment that no nuclear material, equipment or facility to be reported to IAEA would be used for military purposes. The overall format and the commitment were based on the model set forth in document INFCIRC/66/Rev.2. In 1973, after Mexico became a party to the NPT, a new safeguards agreement was concluded replacing the previous one, and based on the Treaty of Tlatelolco and on the NPT. The overall format of and the commitment in this joint agreement was based on the document INFCIRC/153 ("the Structure and Content of Agreements

between the Agency and States Required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons") with modifications which included: a change in the title, references to the Treaty of Tlatelolco in the preamble, deletion of the reference to the NPT in the basic commitment, and an amendment to the duration clause in order to include a reference to the Treaty of Tlatelolco.

20. To date, the IAEA Board of Governors has approved 24 such safeguards agreements, including three concluded in accordance with Additional Protocol I to the Treaty. Colombia and Panama concluded agreements based on document INFCIRC/153 with some additional changes based only on the Treaty of Tlatelolco. In addition, a new article was inserted and another was deleted, both concerning the transfer of nuclear material outside the country, because the Treaty of Tlatelolco does not contain any provision corresponding to article III, paragraph 2 of the NPT on nuclear explosions. Such transfers are possible under the safeguards agreement only if the nuclear material is subject to safeguards in the receiving State. The comprehensive safeguards agreements negotiated to date under article 13 prohibit the use of nuclear material for the manufacture of any nuclear explosive device (see table in annex D).

21. Both Argentina and Brazil, before becoming parties to the Treaty of Tlatelolco, signed a joint safeguards agreement with IAEA which took into account their status as parties to the Treaty on the Peaceful Uses of Nuclear Energy (SCCC), which established a Common System for Accounting and Control of Nuclear Materials (ABACC). As the ABACC was authorized by its Statute to conclude safeguard agreements at the request of its member States, a quadripartite agreement was concluded between the Argentine Republic, the Federal Republic of Brazil, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials and the International Atomic Energy Agency for the application of safeguards.

22. In this new model agreement, ABACC undertook to apply its safeguards to nuclear materials in all nuclear activities carried out on the territory of the States Parties, and to cooperate with the Agency in order to ensure that those nuclear materials were not diverted to nuclear weapons or other explosive devices. IAEA has the right and obligation to ensure that the safeguards are applied, in accordance with the provisions of the agreement, in a verifiable manner, so as to guarantee that there has been no diversion of any kind of nuclear materials to nuclear weapons or other explosive nuclear devices. This verification by the Agency is to include, among other things, independent measurements and observation, due account being taken of the technical effectiveness of SCCC with respect to verification.

23. The agreement also includes the procedures to be followed if a State Party intends to exercise its optional right to use nuclear materials subject to safeguards under the agreement for the nuclear propulsion or operation of any vehicle, including submarines and prototypes or any other non-prohibited nuclear activity. Lastly, it increases the number of arbitrators who are to decide on any dispute arising from the interpretation or application of the agreement, and renumbers the articles of the model agreement.

D. Current status of the Treaty of Tlatelolco and the NPT

24. As noted earlier, the signatory States of the Treaty of Tlatelolco have made use of article 6 of the Treaty to amend it in the light of experience and international developments. It has so far not been possible to achieve universality for the NPT because of the specific objections of a number of States. Perhaps consideration might be given to the example of Tlatelolco.

25. It is useful to provide a summary of the current situation of Latin America and the Caribbean (Treaty of Tlatelolco) as compared with the NPT:

- Of the total of 33 States belonging to this regional group, only two have not signed the Treaty of Tlatelolco;
- Of the 31 signatory States, only three have not yet ratified it and are therefore not full members of OPANAL;
- In other words, 28 States of the region are full members of the Tlatelolco system;
- On the other hand, of the 33 States of the region, 29 are parties to the NPT;
- One State is not a member of OPANAL but is a member of the NPT;
- Three States which have signed the Treaty of Tlatelolco but not yet ratified it are full members of the NPT.

E. Final considerations

26. The Tlatelolco system was born at perhaps the most difficult moment in international relations, when the world arms race seemed to be the chief goal of humanity. In 1967, at the height of the Cold War, Latin America brought into being, not only for the region but for the world community, an international instrument which is now in full force.

27. The Treaty of Tlatelolco was not only an invaluable contribution by Latin America and the Caribbean to international law but a visionary creation of the first nuclear-weapon-free zone in a large inhabited region of the planet, which includes a system ensuring the total absence of nuclear weapons from the region, guarantees its security through compliance by the great Powers with the provisions of the Treaty and explicitly commits the Parties to the use of the nuclear material and installations under their jurisdiction exclusively for peaceful purposes.

28. The Treaty of Tlatelolco, which is completely consonant with the purposes and principles of the United Nations Charter, recognizes and defines a general principle of international law, makes it operative and indisputable, provides rules and regulations enabling it to be implemented and adapted to new international circumstances and enables it to be applied and respected in an important region of the world, Latin America and the Caribbean. That it remains

in force after more than 27 years and has achieved almost complete universality in its region is the proof of this.

29. For these reasons, the Treaty of Tlatelolco and the system of peace, security and development it creates and promotes, give the Latin American and Caribbean region an increasingly important role in the multilateral disarmament agenda, reinforcing its conviction that the problem of the non-proliferation of weapons of mass destruction at the regional and global level must be approached on a comprehensive, integrated, balanced and non-discriminatory basis, so that it does not impede access to the full development of advanced dual purpose technologies for peaceful uses only.

Mexico City, 30 August 1994

Annex I

STATUS OF SIGNATURES AND RATIFICATIONS OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN AND ITS ADDITIONAL PROTOCOLS I AND II, OPENED FOR SIGNATURE AT MEXICO, FEDERAL DISTRICT ON 14 FEBRUARY 1967

Country	Signature	Ratification	Waiver
Antigua and Barbuda	11 October 1983	11 October 1983	11 October 1983
Argentina	27 September 1967		
Bahamas	29 November 1976	26 April 1977	26 April 1977
Barbados	18 October 1968	25 April 1969	25 April 1969
Belize	14 February 1992		
Bolivia	14 February 1967	18 February 1969	18 February 1969
Brazil	9 May 1967	29 January 1968	
Colombia	14 February 1967	4 August 1972	6 September 1972
Costa Rica	14 February 1967	25 August 1969	25 August 1969
Chile	14 February 1967	9 October 1974	
Cuba			
Dominica	2 May 1989		
Dominican Republic	28 July 1967	14 June 1968	14 June 1968
Ecuador	14 February 1967	11 February 1969	11 February 1969
El Salvador	14 February 1967	22 April 1968	22 April 1968
Grenada	29 April 1975	20 June 1975	20 June 1975
Guatemala	14 February 1967	6 February 1970	6 February 1970
Guyana			
Haiti	14 February 1967	23 May 1969	23 May 1969
Honduras	14 February 1967	23 September 1968	23 September 1968
Jamaica	26 October 1967	26 June 1969	26 June 1969
Mexico	14 February 1967	20 September 1967	20 September 1967
Nicaragua	15 February 1967	24 October 1968	24 October 1968
Panama	14 February 1967	11 June 1971	11 June 1971
Paraguay	26 April 1967	19 March 1969	19 March 1969
Peru	14 February 1967	4 March 1969	4 March 1969
Saint Kitts and Nevis	18 February 1992		
Saint Lucia	25 August 1992		
Saint Vincent and the Grenadines	14 February 1992		
Suriname	13 February 1976	10 June 1977	10 June 1977
Trinidad and Tobago	27 June 1967	3 December 1970	27 June 1975
Uruguay	14 February 1967	20 August 1968	20 August 1968
Venezuela	14 February 1967	23 March 1970	23 March 1970

Annex II

ADDITIONAL PROTOCOL I

Country	Signature	Ratification
France	2 March 1979	
Netherlands	15 March 1968	26 July 1971
United Kingdom	20 December 1967	11 December 1969
United States of America	26 May 1977	23 November 1981

ADDITIONAL PROTOCOL II

China	21 August 1973	12 June 1974
France	18 July 1973	22 March 1974
USSR	18 May 1978	8 January 1979
United Kingdom	20 December 1967	11 December 1969
United States of America	1 April 1968	12 May 1971

Annex III

AMENDMENTS TO THE TREATY OF TLATELOLCO

(The changes made are shown in boldface)

I. By resolution 267 (E-V) of 3 July 1990 it was decided to add to the official title of the Treaty of Tlatelolco the words "and the Caribbean".

II. By resolution 268 (XII) of 10 May 1991 it was decided to replace paragraph 2 of former article 25 of the Treaty by the following wording, now renumbered paragraph 26:

"SIGNATURE

Article 26

1. This Treaty shall be open indefinitely for signature by:

(a) All the Latin American and Caribbean Republics, and

(b) All other sovereign States situated in their entirety south of latitude 35 north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

2. The status of State Party to the Treaty of Tlatelolco shall be limited to the independent States included in the zone of application of the Treaty under article 4 and paragraph 1 of this article of the Treaty which on 10 December 1985 were members of the United Nations and to the non-self-governing territories referred to in document OEA/CER.P, AG/Doc.1939/85 of 5 November 1985 when they attain independence".

III. By resolution 290 (E-VII) of 25 August 1992, the following amendments to the Treaty were approved and opened for signature:

"REPORTS OF THE PARTIES

Article 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and are relevant to the work of the Agency.

3. The information provided by the Contracting Parties shall not be divulged or transmitted to third parties, in whole or in part, by the recipients of the reports, except with their express consent."

"SPECIAL REPORTS REQUESTED BY THE GENERAL SECRETARY

Article 15

1. At the request of any of the Parties and with the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any extraordinary event or circumstance connected with complianco with this Treaty, explaining his reasons. The Contracting Parties undertake to cooperate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies."

Text replacing former article 16:

"SPECIAL INSPECTIONS

Article 16

1. The International Atomic Energy Agency has the power to carry out special inspections, in conformity with article 12 and with the agreements referred to in article 13 of this Treaty.

2. On the demand of any Party and in accordance with the procedures established in article 15 of this Treaty, the Council may transmit to the International Atomic Energy Agency for its consideration a request that it set in motion the procedures necessary to carry out a special inspection.

3. The General Secretary shall request the Director General of IAEA to transmit to him in good time the information sent to the Board of Governors of IAEA for its information with respect to the completion of the special inspection. The General Secretary shall inform the Council forthwith of such information.

4. The Council, through the General Secretary, shall transmit that information to all the Contracting Parties."

"RELATIONS WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Article 19

The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty."

A new article 20 was inserted, consisting of paragraphs 2 and 3 of former article 19.

"RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

Article 20

1. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

2. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute."

The remaining articles of the Treaty have been renumbered accordingly.

Annex III A

FIRST AMENDMENT TO THE TREATY

Country	Signature	Ratification
Antigua and Barbuda		
Argentina	10 December 1990	18 January 1994
Bahamas	18 March 1992	
Barbados		
Belize		
Bolivia	10 December 1990	
Brazil	5 December 1990	30 May 1994
Chile	16 January 1991	18 January 1994
Colombia	5 December 1990	
Costa Rica	10 December 1990	
Cuba		
Dominica		
Dominican Republic	16 January 1991	
Ecuador		
El Salvador	21 February 1991	22 May 1992
Grenada	17 September 1991	17 September 1991
Guatemala	10 December 1990	
Guyana		
Haiti	16 January 1991	
Honduras	16 January 1991	
Jamaica	21 February 1991	13 March 1992
Mexico	5 November 1990	24 October 1991
Nicaragua	10 December 1990	
Panama		
Paraguay	19 February 1991	
Peru	5 December 1990	
Saint Kitts and Nevis		
Saint Vincent and the Grenadines		
Suriname	7 January 1992	7 January 1992
Trinidad and Tobago		
Uruguay	16 November 1990	
Venezuela	16 January 1991	

Annex III B

SECOND AMENDMENT TO THE TREATY

Country	Signature	Ratification
Antigua and Barbuda		
Argentina	14 October 1991	18 January 1994
Bahamas		
Barbados		
Belize		
Bolivia	10 September 1991	
Brazil	23 January 1992	30 May 1994
Chile	3 September 1991	18 January 1994
Colombia	10 September 1991	
Costa Rica	3 September 1992	
Cuba		
Dominica		
Dominican Republic	10 September 1991	
Ecuador	13 September 1991	
El Salvador	10 September 1991	
Grenada	17 September 1991	
Guatemala		
Guyana		
Haiti	21 January 1992	
Honduras	4 March 1992	
Jamaica	17 September 1991	
Mexico	2 September 1991	10 April 1992
Nicaragua	28 January 1992	
Panama		
Paraguay	21 January 1992	
Peru	21 January 1992	
Saint Kitts and Nevis		
Saint Vincent and the Grenadines		
Suriname	7 January 1992	7 January 1992
Trinidad and Tobago		
Uruguay	17 September 1991	
Venezuela	10 September 1991	

Annex III C

THIRD AMENDMENT TO THE TREATY

Country	Signature	Ratification
Antigua and Barbuda		
Argentina	26 August 1992	18 January 1994
Bahamas		
Barbados		
Belize		
Bolivia	31 August 1992	
Brazil	26 August 1992	30 May 1994
Chile	26 August 1992	18 January 1994
Colombia	14 December 1992	
Costa Rica	26 August 1992	
Cuba		
Dominica		
Dominican Republic	26 August 1992	
Ecuador	26 August 1992	
El Salvador	8 May 1992	
Grenada		
Guatemala	26 August 1992	
Guyana		
Haiti	22 October 1992	
Honduras	26 August 1992	
Jamaica	8 June 1993	
Mexico	26 August 1992	1 September 1993
Nicaragua	26 August 1992	
Panama		
Paraguay	26 August 1992	
Peru	9 February 1993	
Saint Christopher and Nevis		
Saint Vincent and the Grenadines		
Suriname		
Trinidad and Tobago		
Uruguay	26 August 1992	
Venezuela	26 August 1992	

Annex IV

COMPLIANCE WITH ARTICLE 13 OF THE TREATY OF TLATELOLCO

Country	Negotiation	Concluded
Antigua and Barbuda	July 1986	
Argentina c/		4 March 1994
Bahamas	September 1978	
Barbados	October 1979	
Bolivia a/	June 1973	23 August 1974
Brazil c/		4 March 1994
Chile		
Colombia b/	February 1978	22 December 1982
Costa Rica a/	September 1972	22 November 1979
Dominica		
Dominican Republic a/	February 1978	11 October 1978
Ecuador a/	June 1973	10 March 1975
El Salvador a/	May 1974	22 April 1975
Grenada	August 1975	
Guatemala a/	June 1977	10 February 1982
Haiti a/	June 1973	6 January 1975
Honduras a/	May 1974	18 April 1975
Jamaica a/	February 1978	6 November 1978
Mexico a/*		6 September 1968
Nicaragua a/	September 1973	29 December 1976
Panama b/	June 1973	23 March 1984
Paraguay a/	January 1978	20 March 1979
Peru a/	February 1978	10 August 1979
Suriname a/	March 1978	2 February 1979
Trinidad and Tobago		
Uruguay a/		17 September 1976
Venezuela a/		11 March 1982
United States of America**		17 February 1989
United Kingdom**	April 1989	
Netherlands (Netherlands Antilles)**		5 April 1973

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* On 14 April 1973 the Government of Mexico signed a new agreement replacing that of 6 September 1968.

** Agreement concluded on the basis of article 1 of Additional Protocol I.

a/ The Safeguards Agreement refers to the NPT and to the Treaty of Tlatelolco.

b/ The Safeguards Agreement refers to the Treaty of Tlatelolco.

c/ The Safeguards Agreement does not refer to either the NPT or the Treaty of Tlatelolco.

Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/PC.III/10*
15 September 1994

ENGLISH
Original: SPANISH

Third session
Geneva, 12-16 September 1994

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A. The Treaty of Tlatelolco

1. On 14 February 1967, as a result of long negotiations and a common political will, Latin America and the Caribbean, in accordance with its tradition as a source of innovation in international law, signed the Treaty of Tlatelolco for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

2. In full accordance with the purposes and principles of the United Nations Charter and the relevant resolutions of the General Assembly, the Treaty of Tlatelcolco expresses in its preamble the desire of the Latin American States to end the armaments race, especially in the field of nuclear weapons, and strengthen a world at peace, based on the sovereign equality of States, mutual respect and good-neighbourliness. The international instruments worked out at the world level by the United Nations and represented at the regional level by the Treaty of Tlatelolco may be regarded as an expression of the legal and moral conscience of the international community and a statement of an entirely valid general principle.

3. Before the signing of the Treaty of Tlatelolco there were international instruments for the denuclearization of certain geographic or special areas, such as the Antarctic Treaty of 1959 or the Outer Space Treaty of 1967. There were also some initiatives in the same direction before Tlatelolco. But never until the entry into force of the Treaty of Tlatelolco had a large inhabited region of the earth, made up of the territory of a number of independent States, been the object of complete military denuclearization.

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* Reissued for technical reasons.

4. The preamble to the Treaty of Tlatelolco states clearly that "militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage" and that Latin America must not only "banish from its homelands the scourge of a nuclear war but must also strive to promote the well-being and advancement of its peoples," cooperating "in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all."

5. On the basis of these considerations, the signatory States, by sovereign decision, agreed to establish a system for the prohibition of nuclear weapons in Latin America which would also commit the nuclear Powers to respect the militarily denuclearized status of Latin America and the Caribbean.

6. Article 1 of the Treaty of Tlatelolco confirms the commitment of the Contracting Parties "to use exclusively for peaceful purposes the nuclear materials and facilities which are under their jurisdiction" and prohibits "the testing, use, manufacture, production or acquisition" as well as "the receipt, storage, installation, deployment and any form of possession of any nuclear weapons" or in any way participating in such activities. The Treaty thus provides for the military denuclearization of Latin America and the Caribbean and establishes its zone of application; it establishes the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), consisting of a General Conference, a Council and a Secretariat; establishes a control system, regulates OPANAL's relations with other international organizations, determines the action to be taken in the event of violation of the Treaty, establishes a method for the settlement of disputes, prohibits reservations to the Treaty and establishes means for amending the Treaty and the conditions in which it may be denounced.

7. Recognizing that the full appreciation of its principles and obligations requires the participation of extracontinental States and the nuclear Powers, the Treaty of Tlatelolco provides for two additional protocols.

8. Additional Protocol I to the Treaty of Tlatelolco imposes on the extracontinental States which have de jure or de facto, territory under their control in the zone of application of the Treaty obligation to respect the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty. The Government of France on 24 August 1992 ratified this Protocol, thus enabling the peoples of the territories of Latin America and the Caribbean for which it is responsible to enjoy the benefit of belonging to the first nuclear-weapon-free zone in a densely populated region (see table, annex II).

9. Additional Protocol II requires the five internationally recognized nuclear Powers to respect the denuclearized zone established by the Treaty in all its express aims and provisions; not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty; and not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty. Additional Protocol II may not be the subject of reservations (see table, annex II).

10. On 5 December 1967, the General Assembly in resolution 2286 (XXII) welcomed with satisfaction "the Treaty for the Prohibition of Nuclear Weapons in Latin America, which constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security" and which at the same time establishes the right of Latin America and Caribbean countries "to use nuclear energy for ... peaceful purposes in order to accelerate the economic and social development of their peoples". By the end of 1967, the year in which the Treaty was opened for signature, it had already been signed by 21 States, including the 2 States in the region then most advanced in the nuclear field: Argentina and Brazil. At present, 28 States participate fully in this regional instrument. The current status of signatures, ratifications and exemption from article 28 is set out in the table in annex I.

B. Amendments to the Treaty of Tlatelolco

11. Beginning in 1990, in order to achieve the goal of making the Treaty of Tlatelolco universal in its zone of application, a series of amendments were approved making it possible for third countries to become full members of the Tlatelolco system. For this purpose, it was necessary to make use of articles 6 and 29, which establish the procedure for amending the Treaty. The amendments are as follows: (the text of the amendments is contained in annex III).

I. On 3 July 1990, it was decided in resolution 267 (E-V) of the Fifth Special General Conference to add to the official title of the Treaty for the Prohibition of Nuclear Weapons in Latin America the words "and the Caribbean" and accordingly to amend the official title established in article 7 of the Treaty, thus incorporating the English-speaking States of the Caribbean into the zone of application of the Treaty of Tlatelolco.

II. On 10 May 1991, by resolution 268 (XII) of the Twelfth General Conference, it was decided to replace paragraph 2 of article 25 of the Treaty with wording similar to that of article 8 of the amended Charter of the Organization of American States, so that all the independent States of the region would be able to join the regime of military denuclearization.

III. Although their territories were always included in the zone of application established by article 4, on the occasion of the 25th anniversary of the opening for signature of the Treaty of Tlatelolco, Belize and Saint Vincent and the Grenadines on 14 February 1992 signed the Treaty in accordance with these amendments; on 25 August 1993 Dominica deposited the waiver to article 28, joining the Tlatelolco system, and on 18 February 1994 Saint Kitts and Nevis signed the Treaty.

IV. On 26 August 1992, by resolution 290 (E-VII) of the Seventh Special General Conference, amendments to articles 14, 15, 16, 19 and 20 of the Treaty, relating to the verification system established by the Treaty, were approved.

- The first paragraph of article 14 provides for the submission to the Agency of semi-annual reports on the absence of activity prohibited under the Treaty. This declaration is of a political nature. The amendments

to paragraphs 2 and 3 are of a different nature, as they deal with the technical aspect which may create problems for the State submitting the special reports requested in those paragraphs. The reference to the application of safeguards was deleted and it was provided instead that the content of these special reports "shall be relevant to the work of the Agency". Paragraph 3 was replaced in its entirety by another providing that the information submitted could not be divulged or transmitted in whole or in part by the recipients of the reports to third parties, except with the express consent of the submitting Parties, thus safeguarding the "strategic secrets" of the Parties. It was understood that for the Agency the phrase "third parties" meant countries not parties to the Treaty.

- Article 15 was retained practically unchanged except for the phrase "any extraordinary event or circumstance", in view of the fact that the information to be requested by the General Secretary with the authorization of the Council referred to a special event or circumstance requiring the submission of a special report. Otherwise, the wording remains unchanged.

- Article 16 was amended in view of the fact that the only organization capable of carrying out a special inspection at the request of a Party is the International Atomic Agency (IAEA). This made it possible to solve the problem of financing and the need to establish an inspectorate, which would have been expensive for OPANAL. However, OPANAL's power to request the International Atomic Energy Agency to carry out a special inspection was retained when, in the opinion of OPANALs Council, such an inspection was necessary. In other words, the Council and the General Secretary will continue to be responsible for supervising the application of the Treaty's control system. Of course, any member country of the IAEA may submit a complaint directly to that Agency, but it is equally clear that the force of the complaint will be greater if it is endorsed by the Council and the General Secretary of OPANAL. In view of the fact that the international safeguards agreements signed by the States members of OPANAL include the commitment to allow free access to the inspectors to carry out a special inspection, paragraph 4 of article 16 was not considered necessary, and it was therefore deleted. Paragraph 3 of the same article gives the Director General of the IAEA discretionary authority to consult with the Board of Governors when an inspection is carried out. This paragraph is intended rather to allow the Director General to report to the Board of Governors if he considers that necessary when an inspection has been carried out. Prior consultation with the Board of Governors is something the Director General himself can decide on according to his best judgment.

- The deletion of paragraphs 6, 7 and 8 of former article 16 was because article 21 of the Treaty of Tlatelolco provides that "None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties".

- Lastly, the first paragraph of former article 19 remains as new article 19 and the second and third paragraphs of former article 19 become article 20. The remaining articles of the Treaty are renumbered accordingly.

12. These amendments enabled Argentina and Chile to join the Tlatelolco system on 18 January 1994 and Brazil to do so on 30 May 1994.

13. Most of the Member States have signed the amendments and are completing the process of ratification. Mexico ratified all the amendments to the Treaty on 10 September 1993. At present the Treaty of Tlatelolco is in full effect for Argentina, Brazil, Chile, Mexico and Suriname.

14. Although the latest amendments approved modify the verification system, none of the changes alter either the basic principles or the essence of the Treaty of Tlatelolco.

15. Under these circumstances, and in view of the lack of precise definition of the conditions for the entry into force of the amendments, the Government of Mexico, as depositary, considers the amendments in force for those States which have ratified them and declared the waiver referred to in article 28, paragraph 2.

C. Safeguards

16. On 1 July 1968, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was opened for signature, and on 5 March 1970 it entered into force. The application of some provisions established already in the Treaty of Tlatelolco differs from the application of similar provisions of the NPT, for example, article 13 of the former and article III of the latter with respect to the safeguards agreements to be negotiated with the International Atomic Energy Agency (IAEA). For this reason, a number of relevant observations should be made.

17. The function of IAEA within the control system provided for under article 13 of the Treaty of Tlatelolco is set forth in articles 13, 14, 16 and 18 of that Treaty. Article 13 of the Treaty provides that each Contracting Party shall negotiate multilateral or bilateral agreements with IAEA for the application of the Agency's safeguards to its nuclear activities. States which have ratified Additional Protocol I of the Treaty are also bound, under article 1 of the Protocol, to negotiate the agreements referred to in article 13 in order to ensure that they may be applied in territories for which, de jure or de facto, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

18. In 1961, IAEA set out to establish a system of safeguards to be applied to projects carried out with the assistance of the Agency and to bilateral or multilateral agreements concerning the supply or unilateral delivery of nuclear facilities, equipment or technology reported to IAEA under the safeguards agreement in question. These agreements were elaborated in accordance with the guidelines set forth in document INFCIRC/66 and its subsequent revisions. This model continues to be used as the basis for

negotiating safeguards agreements with States which are not parties to the Treaty of Tlatelolco or the NPT and which have not requested comprehensive safeguards agreements.

19. The first safeguards agreement based on the Treaty of Tlatelolco was concluded with Mexico in 1968. Its purpose was to verify that Mexico was abiding by its commitment that no nuclear material, equipment or facility to be reported to IAEA would be used for military purposes. The overall format and the commitment were based on the model set forth in document INFCIRC/66/Rev.2. In 1973, after Mexico became a party to the NPT, a new safeguards agreement was concluded replacing the previous one, and based on the Treaty of Tlatelolco and on the NPT. The overall format of and the commitment in this joint agreement was based on the document INFCIRC/153 ("the Structure and Content of Agreements between the Agency and States Required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons") with modifications which included: a change in the title, references to the Treaty of Tlatelolco in the preamble, deletion of the reference to the NPT in the basic commitment, and an amendment to the duration clause in order to include a reference to the Treaty of Tlatelolco.

20. To date, the IAEA Board of Governors has approved 24 such safeguards agreements, including three concluded in accordance with Additional Protocol I to the Treaty. Colombia and Panama concluded agreements based on document INFCIRC/153 with some additional changes based only on the Treaty of Tlatelolco. In addition, a new article was inserted and another was deleted, both concerning the transfer of nuclear material outside the country, because the Treaty of Tlatelolco does not contain any provision corresponding to article III, paragraph 2 of the NPT on nuclear explosions. Such transfers are possible under the safeguards agreement only if the nuclear material is subject to safeguards in the receiving State. The comprehensive safeguards agreements negotiated to date under article 13 prohibit the use of nuclear material for the manufacture of any nuclear explosive device (see table in annex IV).

21. Both Argentina and Brazil, before becoming parties to the Treaty of Tlatelolco, signed a joint safeguards agreement with IAEA which took into account their status as parties to the Treaty on the Peaceful Uses of Nuclear Energy (SCCC), which established a Common System for Accounting and Control of Nuclear Materials (ABACC). As the ABACC was authorized by its Statute to conclude safeguard agreements at the request of its member States, a quadripartite agreement was concluded between the Argentine Republic, the Federal Republic of Brazil, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials and the International Atomic Energy Agency for the application of safeguards.

22. In this new model agreement, ABACC undertook to apply its safeguards to nuclear materials in all nuclear activities carried out on the territory of the States parties, and to cooperate with the Agency in order to ensure that those nuclear materials were not diverted to nuclear weapons or other explosive devices. IAEA has the right and obligation to ensure that the safeguards are applied, in accordance with the provisions of the agreement, in a verifiable manner, so as to guarantee that there has been no diversion of any kind of nuclear materials to nuclear weapons or other explosive nuclear

devices. This verification by the Agency is to include, among other things, independent measurements and observation, due account being taken of the technical effectiveness of SCCC with respect to verification.

23. The agreement also includes the procedures to be followed if a State party intends to exercise its optional right to use nuclear materials subject to safeguards under the agreement for the nuclear propulsion or operation of any vehicle, including submarines and prototypes or any other non-prohibited nuclear activity. Lastly, it increases the number of arbitrators who are to decide on any dispute arising from the interpretation or application of the agreement, and renumbers the articles of the model agreement.

D. Current status of the Treaty of Tlatelolco and the NPT

24. As noted earlier, the signatory States of the Treaty of Tlatelolco have made use of article 6 of the Treaty to amend it in the light of experience and international developments. It has so far not been possible to achieve universality for the NPT because of the specific objections of a number of States. Perhaps consideration might be given to the example of Tlatelolco.

25. It is useful to provide a summary of the current situation of Latin America and the Caribbean (Treaty of Tlatelolco) as compared with the NPT:

- Of the total of 33 States belonging to this regional group, only two have not signed the Treaty of Tlatelolco;

- Of the 31 signatory States, only three have not yet ratified it and are therefore not full members of OPANAL;

- In other words, 28 States of the region are full members of the Tlatelolco system;

- On the other hand, of the 33 States of the region, 29 are parties to the NPT;

- One State is not a member of OPANAL but is a member of the NPT;

- Three States which have signed the Treaty of Tlatelolco but not yet ratified it are full members of the NPT.

E. Final considerations

26. The Tlatelolco system was born at perhaps the most difficult moment in international relations, when the world arms race seemed to be the chief goal of humanity. In 1967, at the height of the Cold War, Latin America brought into being, not only for the region but for the world community, an international instrument which is now in full force.

27. The Treaty of Tlatelolco was not only an invaluable contribution by Latin America and the Caribbean to international law but a visionary creation of the first nuclear-weapon-free zone in a large inhabited region of the planet, which includes a system ensuring the total absence of nuclear weapons

from the region, guarantees its security through compliance by the great Powers with the provisions of the Treaty and explicitly commits the Parties to the use of the nuclear material and installations under their jurisdiction exclusively for peaceful purposes.

28. The Treaty of Tlatelolco, which is completely consonant with the purposes and principles of the United Nations Charter, recognizes and defines a general principle of international law, makes it operative and indisputable, provides rules and regulations enabling it to be implemented and adapted to new international circumstances and enables it to be applied and respected in an important region of the world, Latin America and the Caribbean. That it remains in force after more than 27 years and has achieved almost complete universality in its region is the proof of this.

29. For these reasons, the Treaty of Tlatelolco and the system of peace, security and development it creates and promotes, give the Latin American and Caribbean region an increasingly important role in the multilateral disarmament agenda, reinforcing its conviction that the problem of the non-proliferation of weapons of mass destruction at the regional and global level must be approached on a comprehensive, integrated, balanced and non-discriminatory basis, so that it does not impede access to the full development of advanced dual purpose technologies for peaceful uses only.

Mexico City, 30 August 1994

Annex I

STATUS OF SIGNATURES AND RATIFICATIONS OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN AND ITS ADDITIONAL PROTOCOLS I AND II, OPENED FOR SIGNATURE AT MEXICO, FEDERAL DISTRICT ON 14 FEBRUARY 1967

Country	Signature	Ratification	Waiver
Antigua and Barbuda	11 October 1983	11 October 1983	11 October 1983
Argentina	27 September 1967	18 January 1994	18 January 1994
Bahamas	29 November 1976	26 April 1977	26 April 1977
Barbados	18 October 1968	25 April 1969	25 April 1969
Belize	14 February 1992		
Bolivia	14 February 1967	18 February 1969	18 February 1969
Brazil	9 May 1967	29 January 1968	30 May 1994
Colombia	14 February 1967	4 August 1972	6 September 1972
Costa Rica	14 February 1967	25 August 1969	25 August 1969
Chile	14 February 1967	9 October 1974	18 January 1994
Cuba			
Dominica	2 May 1989	4 June 1993	25 August 1993
Dominican Republic	28 July 1967	14 June 1968	14 June 1968
Ecuador	14 February 1967	11 February 1969	11 February 1969
El Salvador	14 February 1967	22 April 1968	22 April 1968
Grenada	29 April 1975	20 June 1975	20 June 1975
Guatemala	14 February 1967	6 February 1970	6 February 1970
Guyana			
Haiti	14 February 1967	23 May 1969	23 May 1969
Honduras	14 February 1967	23 September 1968	23 September 1968
Jamaica	26 October 1967	26 June 1969	26 June 1969
Mexico	14 February 1967	20 September 1967	20 September 1967
Nicaragua	15 February 1967	24 October 1968	24 October 1968
Panama	14 February 1967	11 June 1971	11 June 1971
Paraguay	26 April 1967	19 March 1969	19 March 1969
Peru	14 February 1967	4 March 1969	4 March 1969
Saint Kitts and Nevis	18 February 1992		
Saint Lucia	25 August 1992		
Saint Vincent and the Grenadines	14 February 1992	14 February 1992	11 May 1992
Suriname	13 February 1976	10 June 1977	10 June 1977
Trinidad and Tobago	27 June 1967	3 December 1970	27 June 1975
Uruguay	14 February 1967	20 August 1968	20 August 1968
Venezuela	14 February 1967	23 March 1970	23 March 1970

Annex II

ADDITIONAL PROTOCOL I

Country	Signature	Ratification
France	2 March 1979	24 August 1992
Netherlands	15 March 1969	26 July 1971
United Kingdom	10 December 1967	11 December 1969
United States of America	26 May 1977	23 November 1981

ADDITIONAL PROTOCOL II

China	21 August 1973	12 June 1974
France	18 July 1973	22 March 1974
USSR	18 May 1978	8 January 1979
United Kingdom	20 December 1967	11 December 1969
United States of America	1 April 1968	12 May 1971

Annex III

AMENDMENTS TO THE TREATY OF TLATELOLCO

(The changes made are shown in boldface)

I. By resolution 267 (E-V) of 3 July 1990 it was decided to add to the official title of the Treaty of Tlatelolco the words "**and the Caribbean**".

II. By resolution 268 (XII) of 10 May 1991 it was decided to replace paragraph 2 of former article 25 of the Treaty by the following wording, now renumbered paragraph 26:

"SIGNATURE

Article 26

1. This Treaty shall be open indefinitely for signature by:

(a) All the Latin American **and Caribbean Republics**, and

(b) All other sovereign States situated in their entirety south of latitude 35 north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

2. **The status of State Party to the Treaty of Tlatelolco shall be limited to the independent States included in the zone of application of the Treaty under article 4 and paragraph 1 of this article of the Treaty which on 10 December 1985 were members of the United Nations and to the non-self-governing territories referred to in document OEA/CER.P, AG/Doc.1939/85 of 5 November 1985 when they attain independence**".

III. By resolution 290 (E-VII) of 26 August 1992, the following amendments to the Treaty were approved and opened for signature:

"REPORTS OF THE PARTIES

Article 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty **and are relevant to the work of the Agency**.

3. **The information provided by the Contracting parties shall not be divulged or transmitted to third parties, in whole or in part, by the recipients of the reports, except with their express consent.**"

"SPECIAL REPORTS REQUESTED BY THE GENERAL SECRETARY

Article 15

1. **At the request of any of the Parties and** with the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any **extraordinary** event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to cooperate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies."

Text replacing former article 16:

"SPECIAL INSPECTIONS

Article 16

1. The International Atomic Energy Agency has the power to carry out special inspections, in conformity with article 12 and with the agreements referred to in article 13 of this Treaty.

2. On the demand of any Party and in accordance with the procedures established in article 15 of this Treaty, the Council may transmit to the International Atomic Energy Agency for its consideration a request that it set in motion the procedures necessary to carry out a special inspection.

3. The General Secretary shall request the Director General of IAEA to transmit to him in good time the information sent to the Board of Governors of IAEA for its information with respect to the completion of the special inspection. The General Secretary shall inform the Council forthwith of such information.

4. The Council, through the General Secretary, shall transmit that information to all the Contracting Parties."

"RELATIONS WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Article 19

The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty."

A new article 20 was inserted, consisting of paragraphs 2 and 3 of former article 19.

"RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

Article 20

1. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

2. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute."

The remaining articles of the Treaty have been renumbered accordingly.

Annex III A

FIRST AMENDMENT TO THE TREATY

Country	Signature	Ratification
Antigua and Barbuda		
Argentina	10 December 1990	18 January 1994
Bahamas	18 March 1992	
Barbados		
Belize		
Bolivia	10 December 1990	
Brazil	5 December 1990	30 May 1994
Chile	16 January 1991	18 January 1994
Colombia	5 December 1990	
Costa Rica	10 December 1990	
Cuba		
Dominica		
Dominican Republic	16 January 1991	
Ecuador		
El Salvador	21 February 1991	22 May 1992
Grenada	17 September 1991	17 September 1991
Guatemala	10 December 1990	
Guyana		
Haiti	16 January 1991	
Honduras	16 January 1991	
Jamaica	21 February 1991	13 March 1992
Mexico	5 November 1990	24 October 1991
Nicaragua	10 December 1990	
Panama		
Paraguay	19 February 1991	
Peru	5 December 1990	
Saint Kitts and Nevis		
Saint Vincent and the Grenadines		
Suriname	7 January 1992	7 January 1992
Trinidad and Tobago		
Uruguay	16 November 1990	
Venezuela	16 January 1991	

Annex III B

SECOND AMENDMENT TO THE TREATY

Country	Signature	Ratification
Antigua and Barbuda		
Argentina	14 October 1991	18 January 1994
Bahamas		
Barbados		
Belize		
Bolivia	10 September 1991	
Brazil	23 January 1992	30 May 1994
Chile	3 September 1991	18 January 1994
Colombia	10 September 1991	
Costa Rica	3 September 1992	
Cuba		
Dominica		
Dominican Republic	10 September 1991	
Ecuador	13 September 1991	
El Salvador	10 September 1991	
Grenada	17 September 1991	
Guatemala		
Guyana		
Haiti	21 January 1992	
Honduras	4 March 1992	
Jamaica	17 September 1991	
Mexico	2 September 1991	10 April 1992
Nicaragua	28 January 1992	
Panama		
Paraguay	21 January 1992	
Peru	21 January 1992	
Saint Kitts and Nevis		
Saint Vincent and the Grenadines		
Suriname	7 January 1992	7 January 1992
Trinidad and Tobago		
Uruguay	17 September 1991	
Venezuela	10 September 1991	

Annex III C

THIRD AMENDMENT TO THE TREATY

Country	Signature	Ratification
Antigua and Barbuda		
Argentina	26 August 1992	18 January 1994
Bahamas		
Barbados		
Belize		
Bolivia	31 August 1992	
Brazil	26 August 1992	30 May 1994
Chile	26 August 1992	18 January 1994
Colombia	14 December 1992	
Costa Rica	26 August 1992	
Cuba		
Dominica		
Dominican Republic	26 August 1992	
Ecuador	26 August 1992	
El Salvador	8 May 1992	
Grenada		
Guatemala	26 August 1992	
Guyana		
Haiti	22 October 1992	
Honduras	26 August 1992	
Jamaica	8 June 1993	
Mexico	26 August 1992	1 September 1993
Nicaragua	26 August 1992	
Panama		
Paraguay	26 August 1992	
Peru	9 February 1993	
Saint Kitts and Nevis		
Saint Vincent and the Grenadines		
Suriname		
Trinidad and Tobago		
Uruguay	26 August 1992	
Venezuela	26 August 1992	

Annex IV

COMPLIANCE WITH ARTICLE 13 OF THE TREATY OF TLATELOLCO

Country	Negotiation	Concluded
Antigua and Barbuda	July 1986	
Argentina c/		4 March 1994
Bahamas	September 1978	
Barbados	October 1979	
Bolivia a/	June 1973	23 August 1974
Brazil c/		4 March 1994
Chile		
Colombia b/	February 1978	22 December 1982
Costa Rica a/	September 1972	22 November 1979
Dominica		
Dominican Republic a/	February 1978	11 October 1978
Ecuador a/	June 1973	10 March 1975
El Salvador a/	May 1974	22 April 1975
Grenada	August 1975	
Guatemala a/	June 1977	10 February 1982
Haiti a/	June 1973	6 January 1975
Honduras a/	May 1974	18 April 1975
Jamaica a/	February 1978	6 November 1978
Mexico a/*		6 September 1968
Nicaragua a/	September 1973	29 December 1976
Panama b/	June 1973	23 March 1984
Paraguay a/	January 1978	20 March 1979
Peru a/	February 1978	10 August 1979
Suriname a/	March 1978	2 February 1979
Trinidad and Tobago		4 November 1992
Uruguay a/		17 September 1976
Venezuela a/		11 March 1982
United States of America**		17 February 1989
United Kingdom**	April 1989	6 January 1993
Netherlands (Netherlands Antilles)**		5 April 1973
France		

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* On 14 April 1973 the Government of Mexico signed a new agreement replacing that of 6 September 1968.

** Agreement concluded on the basis of article 1 of Additional Protocol I.

a/ The Safeguards Agreement refers to the NPT and to the Treaty of Tlatelolco.

b/ The Safeguards Agreement refers to the Treaty of Tlatelolco.

c/ The Safeguards Agreement does not refer to either the NPT or the Treaty of Tlatelolco.

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